

## **IC 4-15-10**

### **Chapter 10. State Employees' Bill of Rights**

## **IC 4-15-10-1**

### **Definitions**

Sec. 1. As used in this chapter:

"Agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government created or established by law. However, the term does not include state colleges and universities.

"Appointing authority" means the individual or group of individuals who have the power by law or by lawfully delegated authority to make appointment to a position in an agency.

"Employee" means an employee of an agency except an elected official.

"Supervisor" means an individual who oversees the daily activity of an employee.

*As added by Acts 1981, P.L.36, SEC.2.*

## **IC 4-15-10-2**

### **Political activities**

Sec. 2. Except when on duty or acting in an official capacity and except where otherwise provided by state or federal law, no employee shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity.

*As added by Acts 1981, P.L.36, SEC.2.*

## **IC 4-15-10-3**

### **Membership in organizations of employees**

Sec. 3. No employee shall be denied the right to be a member of an organization of employees.

*As added by Acts 1981, P.L.36, SEC.2.*

## **IC 4-15-10-4**

### **Protection of employees reporting violations of state or federal laws**

Sec. 4. (a) Any employee may report in writing the existence of:

- (1) a violation of a federal law or regulation;
- (2) a violation of a state law or rule;
- (3) a violation of an ordinance of a political subdivision (as defined in IC 36-1-2-13); or
- (4) the misuse of public resources;

first to a supervisor or appointing authority, unless the supervisor or appointing authority is the person whom the employee believes is committing the violation or misuse of public resources. In that case, the employee may report the violation or misuse of public resources in writing to either the supervisor or appointing authority or to the state ethics commission and any official or agency entitled to receive a report from the state ethics commission under IC 4-2-6-4(b)(2)(G)

or IC 4-2-6-4(b)(2)(H). If a good faith effort is not made to correct the problem within a reasonable time, the employee may submit a written report of the incident to any person, agency, or organization.

(b) For having made a report under subsection (a), the employee making the report may not:

- (1) be dismissed from employment;
- (2) have salary increases or employment related benefits withheld;
- (3) be transferred or reassigned;
- (4) be denied a promotion the employee otherwise would have received; or
- (5) be demoted.

(c) Notwithstanding subsections (a) and (b), an employee must make a reasonable attempt to ascertain the correctness of any information to be furnished and may be subject to disciplinary actions for knowingly furnishing false information, including suspension or dismissal, as determined by the employee's appointing authority or the appointing authority's designee. However, any state employee disciplined under this subsection is entitled to process an appeal of the disciplinary action under the procedure as set forth in IC 4-15-2-34 and IC 4-15-2-35.

(d) An employer who violates this section commits a Class A infraction.

*As added by Acts 1981, P.L.36, SEC.2. Amended by P.L.17-1984, SEC.1; P.L.32-1987, SEC.1; P.L.5-1988, SEC.25; P.L.9-1990, SEC.11.*

#### **IC 4-15-10-5**

##### **Exercise of rights; penalties prohibited**

Sec. 5. No employee shall suffer a penalty or the threat of a penalty because he exercised his rights under this chapter.

*As added by Acts 1981, P.L.36, SEC.2.*

#### **IC 4-15-10-6**

##### **Limitation of rights and remedies prohibited**

Sec. 6. Nothing in this chapter shall disparage, impair, or limit any other right or legal remedy of an employee.

*As added by Acts 1981, P.L.36, SEC.2.*

#### **IC 4-15-10-7**

##### **Volunteer firefighting activity**

Sec. 7. An employee may not be disciplined for absence from work if:

- (1) the employee is a member of a volunteer fire department under IC 36-8-12;
- (2) the employee has notified his immediate supervisor in writing that he is a member of a volunteer fire department;
- (3) the employee presents a written statement to his immediate supervisor from the chief or other officer in charge of the volunteer fire department that the employee was engaged in

emergency firefighting activity at the time of his absence from work; and

(4) the employee secures authorization from his supervisor to leave his duty station if the employee has already reported for work.

*As added by Acts 1982, P.L.26, SEC.1. Amended by P.L.1-1999, SEC.4.*